

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

-against-

**RICHARD XIA, a/k/a YI XIA, and
FLEET NEW YORK METROPOLITAN
REGIONAL CENTER, LLC, f/k/a FEDERAL
NEW YORK METROPOLITAN REGIONAL
CENTER, LLC,**

Defendants,

-and-

JULIA YUE, a/k/a JIQING YUE,

Relief Defendant.

21 Civ. 5350-PKC-CLP

**STIPULATION AND
[PROPOSED] ORDER**

The parties, through their undersigned attorneys and subject to the Court's approval, hereby stipulate and agree to the following:

1. On September 27, 2021, the Court entered an *Order to Show Cause and Temporary Restraining Order Freezing Assets, Appointing a Monitor and Granting Other Relief* (Dkt. 11) (the "OSC"), which, among other things, scheduled a show-cause hearing for October 12, 2021, at 5:30 p.m., and established other interim deadlines, and entered an Order Appointing Monitor (Dkt. 11-1).
2. On September 29, 2021, by Docket Order, the Court, following a motion on consent filed by the parties (Dkt. 13), adjourned the show-cause hearing to October 25, 2021,

and adopted the parties' interim deadlines for the submission of sworn accountings and briefs required by the OSC.

3. On October 7, 2021, by Docket Order, the Court, following a motion on consent filed by the parties (Dkt. 14), adjourned the show-cause hearing to November 11, 2021, and adopted the parties' interim deadlines for the submission of sworn accountings and briefs required by the OSC. On October 15, 2021, by Amended Docket Order, the Court rescheduled the show-cause hearing to November 10, 2021.

4. On November 1, 2021, by Docket Order, Chief Magistrate Judge Pollak granted the motion by Messrs. Mukasey, Caruso and Frenchman to withdraw as counsel for the Defendants and Relief Defendant (Dkt. 21), and ordered Defendants to have their new counsel file a notice of appearance by November 15, 2021.

5. On November 2, 2021, by Docket Order, the Court *sua sponte* extended the deadline for Defendants and Relief Defendant to file opposition papers to November 22, 2021; extended the SEC's deadline to file reply papers to November 26, 2021; adjourned the show-cause hearing to December 8, 2021; and extended the relief granted in the OSC and the Order Appointing Monitor through December 8, 2021.

6. On November 15, 2021, Hervé Gouraige filed a Notice of Appearance (Dkt. 24) on behalf of the Defendants and Relief Defendant.

7. On November 19, 2021, the Court granted the parties' joint motion to adjourn the show-cause hearing to January 14, 2022.

8. The parties, having conferred, respectfully request that the Court extend the deadlines in the November 19, 2021 Order as follows:

Friday, January 7, 2022, 5:00 p.m. - Defendants and Relief Defendant to file any papers in opposition to the relief sought in the OSC.

Friday, January 21, 2022, 5:00 p.m. – SEC to file reply papers to Defendants’ and Relief Defendant’s opposition papers.

Seven Days Prior to Show-Cause Hearing – Parties to exchange exhibit and witness lists for the Show-Cause hearing.

Friday, February 4, 2022 (or other date convenient to the Court) – Show-Cause Hearing.

9. The parties respectfully submit that the extensions requested herein will: (1) allow new counsel for Defendants’ and Relief Defendant time to continue to get up to speed in the case; (2) accommodate scheduling conflicts of counsel for the parties and of certain individuals to be deposed; (3) allow the parties sufficient time to complete the exchange and review of discovery; and (4) allow the parties additional time to meet and confer in an effort to seek a resolution that may obviate the need for, or scope of, a hearing on the OSC.

10. The parties further respectfully request that the Court permit Defendants and Relief Defendant to file an opposition brief of up to 40 pages and permit the SEC to file a reply brief of up to 15 pages.

11. The parties have further agreed to the following deposition schedule and respectfully request that the Court so order it:

January 5, 2022: Deposition of Xi Verfenstein

January 6, 2022: Deposition of Edward Chan

January 7, 2022: Deposition of Annie Seelaus

January 11, 2022: Deposition of Relief Defendant Julia Yue

January 13, 2022: Deposition of Defendant Richard Xia

12. The parties further agree and consent that the OSC, including all relief granted in the OSC, and the Order Appointing Monitor, shall be extended through the date of the completion of the OSC hearing and that the Defendants’ pre-motion letter for permission to file a

motion to dismiss the Complaint will be addressed at the show-cause hearing on the date set by the Court.

Dated: December 22, 2021

SECURITIES AND EXCHANGE
COMMISSION

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With good cause appearing for the entry of an Order: (1) scheduling the Show-Cause Hearing, and discussion of Defendants' pre-motion letter, for February __, 2022 at ____; (2) adopting the revised interim deadlines proposed by the parties; (3) extending the OSC, including all relief granted therein, through the date of completion of the Show-Cause Hearing; and (4) extending the Order Appointing Monitor through the date of completion of the Show-Cause Hearing,

IT IS SO ORDERED:

DATED: Brooklyn, New York
_____, 2021

PAMELA K. CHEN
United States District Judge